

REMARKS

This Amendment and Response to Office Action is submitted in response to the outstanding Office Action mailed January 27, 2003. Claims 48-66 are pending in the above-referenced application. The Examiner rejected claims 48-50, 52, 60-62, and 65 under 35 U.S.C. §103(a). Claims 55-59 have been allowed, and the Examiner indicated that claims 51, 53, 54, 63, 64, and 66 define allowable subject matter.

Applicants express their appreciation for the telephone interview courteously granted by the Examiner on April 23, 2003, and for the Examiner's candor. As mentioned in the interview, Applicants believe a modular side impact airbag cushion arrangement is not disclosed by the prior art. Accordingly, by this paper, claims 48-66 are submitted for reconsideration, along with a Request for Continued Examination. Claims 67-72 have been added. In view of the following remarks, reconsideration and allowance of claims 48-66, and allowance of new claims 67-72, are respectfully requested.

REJECTION OF CLAIMS 48, 49, 50, 52, 60, 61, AND 65 UNDER 35 U.S.C. 103(a) OVER NEIDERT

The Examiner rejected claims 48, 49, 50, 52, 60, 61, and 65 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,176,513 to Neidert (hereinafter, "Neidert"). To establish prima facie obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. MPEP §2143.03. Significant elements of Applicants' independent claims are not found in Neidert. Neidert does not appear to disclose a modular airbag; rather, the airbag of Neidert appears to be unitarily formed.

More precisely, claim 48 recites that "the first cushion portion comprises a first sail port." The first sail port is illustrated in an open configuration in Figure 5, and is designated by reference numeral 56. Claim 48 also recites "a first sail portion connected between the first and second cushion portions." Furthermore, claim 48 recites that the first end of the first sail portion is "attached to the first sail port." The first end of the first sail portion is also shown in Figure 5, in alignment with the first sail port 56, and is designated by reference numeral 82. Claim 48 recites that "each of said first and second cushion portions are fabricated separately from the first sail portion."

Neidert illustrates a gas bag 1 that appears to have front and rear panels connected together by a narrower portion of the cushion. However, there is no visible interface along which the narrower portion is connected to either of the panels. Neidert does not disclose a port in either of the panels that can be attached to the narrower portion. Rather, the narrower portion appears to be integrally formed with the panels. As admitted by the Examiner, “the cushion of Neidert is one-piece construction, and does not include first and second cushion portions that are separate pieces from the sail portion.”

Applicants respectfully assert that modular construction of a side impact airbag cushion, as claimed in claim 48, is nonobvious. Applicants’ invention enhances the economy, compactness, and interchangeability of airbag cushions by facilitating the use of multiple different materials in a single inflatable structure. See page 5, lines 9-26 of the application for a description of these benefits. The prior art generally teaches away from Applicants’ invention by minimizing the presence of seams and attachments in airbags to enhance gas retention. The use of Applicants’ enhanced treatment and assembly techniques enables the use of modular construction without permitting undue gas leakage.

The Examiner indicates that “[i]t would have been obvious to one having ordinary skill in the art at the time of the invention to make the one-piece air bag of Neidert in three separate pieces, including a first, second, and sail portion, in order to provide a manufacture that does not require large sizes of stock material.” For the reasons set forth above, Applicants assert that such construction was not obvious at the time of Applicants’ invention. Indeed, such construction may not have been viewed as desirable or feasible.

In any case, in order to make a *prima facie* case under 35 U.S.C. §103(a), the Examiner must find all limitations of the rejected claim in the prior art. MPEP §2143.03. If the Examiner wishes to take official notice of the existence of any element of claim 48 in the prior art, Applicants hereby request citation of a reference supporting the same, as required under MPEP §2144.03.

For the reasons stated above, Applicants respectfully assert that Neidert does not render claim 48 obvious. Claim 60 recites “providing a first cushion portion having a first sail port.” Claim 60 also recites “providing a first sail portion adapted to permit passage of gas between first and second ends of the first sail portion,” and “attaching the first end of the first sail portion to the first cushion.”

Accordingly, Applicants respectfully assert that claim 60 is nonobvious over Neidert for the reasons cited above, in connection with claim 48.

Claims 49, 50, and 52 depend from claim 48, and claims 61 and 65 depend from claim 60. For the reasons expressed above, claims 48 and 60 are believed to be nonobvious. Accordingly, claims 49, 50, 52, 61, and 65 are also nonobvious because they include the nonobvious limitations of their respective base claims. Furthermore, claims 49, 50, 52, 61, and 65 may include additional elements that render them nonobvious independent of the nonobviousness of their respective base claims. These additional elements will not be discussed herein for the sake of brevity. Applicants respectfully request withdrawal of the rejection of claims 48, 49, 50, 52, 60, 61, and 65 under 35 U.S.C. §103(a).

REJECTION OF CLAIM 62 UNDER 35 U.S.C. 103(a) OVER NEIDERT IN VIEW OF VEIGA

The Examiner rejected claim 62 under 35 U.S.C. §103(a) as being unpatentable over Neidert in view of U.S. Patent No 6,239,046 to Veiga et al. Claim 62 depends from claim 60. For the reasons expressed above, claim 60 is believed to be nonobvious. Accordingly, claim 62 is also nonobvious because it includes the nonobvious limitations of claim 60. Furthermore, claim 62 may include additional elements that render it nonobvious independent of the nonobviousness of claim 60. Such elements will not be discussed herein for the sake of brevity. Applicants respectfully request withdrawal of the rejection of claim 62 under 35 U.S.C. §103(a).


OBJECTION TO CLAIMS 51, 53, 54, 63, 64, AND 66

The Examiner objected to claims 51, 53, 54, 63, 64, and 66 as being dependent on rejected base claims. Claims 51, 53, and 54 depend from claim 48, and claims 63, 64, and 66 depend from claim 60. For the reasons expressed above, claims 48 and 60 are believed to be patentable. Accordingly, Applicants respectfully request withdrawal of the objection to claims 51, 53, 54, 63, 64, and 66.

CONCLUSION

In view of the foregoing remarks, Applicants submit that claims 48-66 are in a condition for allowance. Furthermore, Applicants respectfully submit that new claims 67-72 are allowable for the reasons expressed above, in connection with claim 48. If there are any remaining issues preventing allowance of the pending claims, the Examiner is requested to contact the undersigned.

Respectfully submitted,


Sally J. Brown
Reg. No. 37,788
Attorney for Applicant

Date: 5/27/03

Autoliv ASP, Inc.
3350 Airport Road
Ogden, Utah 84405
Telephone: (801) 625-4800

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